

DRAFT #3

DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION

HOUSE BILL NO. [BILL NUMBER]

Statewide lodging tax.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to sales tax; imposing a statewide tax on
2 sales of lodging services; providing for distribution of the
3 tax; revising the local optional lodging tax; creating the
4 Wyoming tourism account; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 39-15-104 by creating a new subsection
9 (h), 39-15-111(b)(intro) and by creating a new subsection
10 (p), 39-15-204(a)(ii) and 39-15-211(a)(ii)(B)(III)(intro),
11 (D) and (E) are amended to read:

12

13 **39-15-104. Taxation rate.**

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2 (h) In addition to the sales tax under subsections (a)
3 and (b) of this section there is imposed a lodging tax of
4 four percent (4%) on sales of lodging services which shall be
5 administered as if the combined sales tax rate under
6 subsections (a) and (b) of this section was increased from
7 four percent (4%) to eight percent (8%) for sales of lodging
8 services. The revenue from the four percent (4%) lodging tax
9 shall be distributed as provided in W.S. 39-15-111(p).

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11 **39-15-111. Distribution.**

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13 (b) Revenues earned under W.S. 39-15-104 during each
14 fiscal year shall be recognized as revenue during that fiscal
15 year for accounting purposes. Except as otherwise provided in
16 subsection (p) of this section, for all revenue collected by
17 the department under W.S. 39-15-104 the department shall:

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19 (p) All revenue collected by the department under W.S.
20 39-15-104(h) shall be distributed as follows:

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1 (i) The department shall credit fifty percent
2 (50%) to the Wyoming tourism account, which is hereby created.
3 No funds shall be expended from the account unless and until
4 the legislature appropriates the funds. Funds within the
5 account shall be used as determined by the legislature for
6 the operation of the Wyoming tourism board and the Wyoming
7 office of tourism. Not later than October 1 of each
8 even-numbered year the state treasurer shall determine
9 whether funds in the account exceed one hundred fifteen
10 percent (115%) of the most recent biennial appropriation to
11 the tourism board and the Wyoming office of tourism. Any funds
12 in the account in excess of one hundred fifteen percent (115%)
13 of the most recent biennial appropriation to the tourism board
14 and the Wyoming office of tourism, as determined by the state
15 treasurer under this subsection, shall be transferred into
16 the general fund not later than October 1 of each
17 even-numbered year;

18
19 (ii) Fifty percent (50%) shall be distributed on
20 a monthly basis in proportionate shares to each county in
21 relation to the county's share of the entire tax collected
22 under W.S. 39-15-104(h) to be distributed as follows:

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(A) If the county imposes a countywide lodging tax under W.S. 39-15-204(a)(ii), the revenue shall be distributed in the same manner as taxes collected under that paragraph are distributed pursuant to W.S. 39-15-211(a)(ii)(B) through (E);

(B) If the county has not imposed a countywide lodging tax under W.S. 39-15-204(a)(ii), the revenue shall be distributed as follows:

(I) If no city or town in the county has imposed a lodging tax under W.S. 39-15-204(a)(ii), the revenue shall be distributed to the county to be expended as determined by the county board of commissioners to promote travel and tourism in the county as provided in W.S. 39-15-211(a)(ii)(B)(I);

(II) If any city or town in the county has imposed a lodging tax under W.S. 39-15-204(a)(ii), revenue equal to the amount of the tax imposed by the city or town and shall be distributed to the city or town to be used

1 as provided in W.S. 39-15-211(a)(ii)(B) through (E). The
2 remainder shall be distributed to the county to be expended
3 as determined by the county board of commissioners to promote
4 travel and tourism in the county as provided in W.S.
5 39-15-211(a)(ii)(B)(I).

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7 39-15-204. Taxation rate.

8
9 (a) In addition to the state tax imposed under W.S.
10 39-15-101 through 39-15-111 any county of the state may impose
11 the following excise taxes and any city or town may impose
12 the tax authorized by paragraph (ii) of this subsection and
13 any resort district may impose the tax authorized by paragraph
14 (v) of this subsection:

15
16 (ii) An excise tax at a rate in increments of one
17 percent (1%) not to exceed a rate of ~~four percent (4%)~~ two
18 percent (2%) upon the sales price paid for lodging services
19 as defined under W.S. 39-15-101(a)(i), the primary purpose of
20 which is for local travel and tourism promotion;

21
22 39-15-211. Distribution.

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2 (a) For all revenue collected by the department from
3 the taxes imposed under W.S. 39-15-204(a)(i), (ii), (v) and
4 (vi) the department shall:

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6 (ii) For revenues collected under W.S. 39-15-
7 204(a)(ii):

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9 (B) Except as provided in subparagraph
10 (a)(ii)(C) of this section, distribute the balance on a
11 monthly basis to the treasurer of each county, city or town
12 imposing the tax in an amount equal to the amount collected
13 in each entity less the costs of collection as provided by
14 subparagraph (a)(ii)(A) of this section. Amounts distributed
15 under this subparagraph shall be used for the following
16 purposes:

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18 (III) If the conditions specified in
19 subparagraphs (D) ~~through (G)~~ or (E) of this paragraph are
20 met, the amount collected less the cost of collection as
21 provided by subparagraph (a)(ii)(A) of this section shall be
22 distributed as follows:

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2 (D) Beginning July 1, 1999, and adjusted
3 annually for the percentage increase in the Wyoming cost-of-
4 living index for the previous fiscal year as determined by
5 the division of economic analysis of the department of
6 administration and information, when lodging tax revenues
7 including revenues distributed under W.S. 39-15-111(p)(ii)(A)
8 collected for each of the preceding three (3) fiscal years
9 ~~exceed five hundred thousand dollars (\$500,000.00) one~~
10 million five hundred thousand dollars (\$1,500,000.00), or if
11 no lodging tax was imposed in any of the three (3) preceding
12 fiscal years but, based upon sales tax collection records
13 provided by the department of revenue, it can reasonably be
14 presumed that at least ~~five hundred thousand dollars~~
15 ~~(\$500,000.00) one million five hundred thousand dollars~~
16 (\$1,500,000.00) in lodging tax may be collected annually in
17 each county, city or town imposing a lodging tax at not more
18 than one percent (1%), the amount collected shall be
19 distributed as provided in subdivision (a)(ii)(B)(III) of
20 this section;
21

1 (E) Beginning July 1, 1999, and adjusted
2 annually for the percentage increase in the Wyoming cost-of-
3 living index for the previous fiscal year as determined by
4 the division of economic analysis of the department of
5 administration and information, when lodging tax revenues
6 including revenues distributed under W.S. 39-15-111(p)(ii)(A)
7 collected for each of the preceding three (3) fiscal years
8 exceed ~~one million dollars (\$1,000,000.00)~~ two million
9 dollars (\$2,000,000.00), or if no lodging tax was imposed in
10 any of the three (3) preceding fiscal years but, based upon
11 sales tax collection records provided by the department of
12 revenue, it can reasonably be presumed that at least ~~one~~
13 million dollars (\$1,000,000.00) two million dollars
14 (\$2,000,000.00) in lodging tax may be collected annually in
15 each county, city or town imposing a lodging tax at more than
16 one percent (1%) but not more than two percent (2%), the
17 amount collected shall be distributed as provided in
18 subdivision (a)(ii)(B)(III) of this section;

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20 Section 2. W.S. 39-15-211(a)(ii)(F) and (G) is
21 repealed.

22

1 **Section 3.** If any city, town or county currently
2 imposes a lodging tax under W.S. 39-15-204(a)(ii) at a rate
3 higher than two percent (2%), that rate shall continue until
4 the next general election when the tax is considered as
5 provided in W.S. 39-15-203(a)(ii)(D).

6

7 **Section 4.** This act is effective January 1, 2019.

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(END)